

REMARKS

The present amendment is being filed under a Certificate of Mailing as indicated. Claims 1-3 and 5-8 are pending. Claim 1 has been amended. Claim 4 has been cancelled. Claims 9-29 have been withdrawn.

Drawings

Formal drawings have been submitted with this response.

Terminal Disclaimer

Claim 1 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of copending application No. 11/446,484. Assignee of the instant application, DePuy Products, Inc. have enclosed a Terminal Disclaimer, under the provisions of 35 USC 253 and 37 CFR 1.321 and 3.73, the terminal part of any patent granted on application Serial No. 10/606,304 which would extend beyond the expiration date of United States Patent Application No. 11/446,484 and hereby agrees that any patent so granted on application Serial No. 10/606,304 shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to United States Patent Application No. 11/446,484, this agreement to run with any patent granted on application Serial No. 10/606,304 and to be binding upon the grantee, its successors or assigns. The Terminal Disclaimer now recites that DePuy Products, Inc. is the assignee of the present application.

The rejection of Claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of copending application No. 11/446,484 is now believed to be overcome.

Reconsideration of the rejection under the judicially created doctrine of obviousness-type double patenting to claim 1 as being unpatentable over claim 11 of copending application No. 11/446,484 is respectfully requested.

§102

Claims 1-8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,908,423 to Kashuba et al. (“Kashuba”). Independent claim 1 has been amended to include the limitations of claim 4 – specifically, that the reamer includes “a securing feature to rigidly attach said first component to said second component.” Kashuba does not disclose such a feature. Kashuba is directed to a reaming system that includes a flexible shaft 12 and

a first reamer 14 and a second reamer 22. Abstract. The first reamer 14 is fixedly attached to the flexible shaft 12 and cannot be skewed from the rotational centerline of the shaft 12. See FIGS. 1 and 3. The second reamer 22 is coupled to the shaft 12 such that the second reamer 22 can bend, as shown in FIGS. 2 and 4. However, there is no disclosure in Kashuba for rigidly attaching the second reamer 22 to the shaft 12. Instead, the second reamer 22 can bend as the flexible shaft 12 bends. There is no rigid attachment. Therefore, for at least this reason, independent claim 1 and its dependents are believed to be allowable.

Conclusion

For the above-described reasons it is respectfully submitted that the rejections to the claims have been overcome and that all remaining claims, namely claims 1-3 and 5-8 are currently in condition for allowance. A Notice of Allowance is respectfully requested.

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